

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 11-369(3) (PAM/FLN)

Plaintiff,

v.

ORDER

Joel Delano Powell, Jr.,

Defendant.

This matter is before the Court on Defendant Joel Delano Powell, Jr.'s Motion to File Appeal Out of Time. (Docket No. 1470.) Powell seeks additional time in which to appeal a recent Order of this Court. (Docket No. 1469.)

The Rules of Appellate Procedure provide that a party seeking to appeal in a civil case in which the United States is a party must file a notice of appeal within 60 days of the date of the order appealed from. Fed. R. App. P. 4(a)(1)(B). The Rules further provide that any extension of this time may not "exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later." Id. R. 4(a)(5)(C). The most recent Order from which Powell intends to appeal was entered on January 8, 2025. (Docket No. 1469.) Given the difficulties of accessing legal materials in prison, the Court will extend the appeal deadline for an additional 14 days from the date of this Order.

Further, Powell asserted that he previously exhausted his administrative remedies, highlighting an exhibit attached to his motion. (Docket No. 1470; Docket No. 1459, Ex. 2 at 1-2.) The Court inadvertently overlooked that information, and now recognizes

that Powell exhausted his administrative remedies. Even so, that does not affect the Court's determination that Powell does not qualify for early release at this time.

Accordingly, **IT IS HEREBY ORDERED that** Defendant's Motion to File Appeal Out of Time (Docket No. 1470) is **GRANTED** and Defendant may file a notice of appeal on or before April 21, 2025.

Dated: April 7, 2025

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge